

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2016-010115

08/28/2018

HON. PAMELA GATES

CLERK OF THE COURT
K. Ballard
Deputy

ROBERT J BARON

ROBERT J BARON
18631 N 19TH AVE
158-288
PHOENIX AZ 85027

v.

HONORHEALTH, et al.

ANDREW S ASHWORTH

RULING

The court reviewed and considered Plaintiff's August 23, 2018 ARCP Rule 7.1(e) Motion for Reconsideration of Court's Ruling Filed 8-22-18.

In his Motion for Reconsideration, Plaintiff seeks reconsideration of the court's August 22, 2018 decision and references the court's denial of Plaintiff's prior Motions for Reconsideration filed July 2, 2018. Perhaps clarification would be helpful. A party is permitted to file a Motion for Reconsideration. *See* Ariz. R. Civ. P. 7.1(e). The reference to "Motions for Reconsideration are disfavored" set forth in the ruling dated July 31, 2018 is a quote from *Motorola, Inc. v. J.B. Rodgers Mech. Contractors, Inc.*, 215 F.R.D. 581, 582 (D. Ariz. 2003)("The Court has discretion to reconsider and vacate a prior order. . . . **Motions for reconsideration are disfavored**, however, and are not the place for parties to make new arguments not raised in their original briefs. . . . Nor is reconsideration to be used to ask the court to rethink what it has already thought.")(citing *United States v. Rezzonico*, 32 F.Supp.2d 1112, 1116 (D. Ariz. 1998))(emphasis added). The court does

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not have an animus toward motions for reconsideration; rather, the court was citing a decision from the U.S. District Court for the District of Arizona.¹

In the July 2, 2018 requests for reconsideration, Plaintiff sought reconsideration of Judge Warner's December 6, 2017 and June 8, 2018 rulings, claiming that Judge Warner's rulings were arbitrary and not based in fact or law. The court reviewed the motions, relevant pleadings, and Judge Warner's prior decisions. The court does not deny a motion to reconsider if doing so would result in an unjust decision, or if the court identifies an erroneous application of the law, a change in essential facts, applicable law, or the evidence. *See Powell-Cerkoney v. TCR-Montana Ranch Joint Venture, II*, 176 Ariz. 275, 279, 860 P.2d 1328, 1332 (App. 1993). However, in this case, the court found the existence of no circumstance supporting reconsideration of Judge Warner's prior rulings, and thus, the court denied Plaintiff's Motions. Similarly, the court finds no basis to grant reconsideration of the court's August 22, 2018 decision. Therefore,

IT IS ORDERED denying Plaintiff's ARCP Rule 7.1(e) Motion for Reconsideration of Court's Ruling Filed 8-22-18.

¹ Plaintiff also alleged that the court ruled in response to Plaintiff's status as a self-represented litigant. The court makes no ruling based on a party's status as represented or self-represented.